

September 2009

Dear School District Administrator:

I am writing regarding inquiries the department has received related to non-traditional education delivery approaches being considered by school districts and state requirements related to counting students for state general aid and revenue limits.

First, we have received a variety of questions related to districts providing “program or curriculum modifications” for students. It is our understanding some of these modifications are being considered under s. 118.15 (1)(d), Wis. Stats. This statute provides some flexibility in educational programming for individual students. However, the process for providing these modifications under this statute, as well as all other relevant state statutes, must be followed for individual students enrolled under this section. Please also note that students enrolled in a home-based private educational program (“home-schooling”) under s. 118.15 (4) may not be counted by school districts to generate state general aid or revenue limit authority with the exception of part time attendance under s. 118.145 (4) Wis. Stats., which allows the district to count the student for general aid purposes.

Second, state law requires all public school (which includes charter school) students to be taught by a Wisconsin-licensed teacher who is employed by the school district. Teaching means improving pupil learning by planning instruction, diagnosing learning needs, prescribing content delivery through classroom activities, assessing student learning, reporting outcomes to administrators and parents, and evaluating the effects of instruction per Wis. Administrative Code PI 34.01 (59). Further explanation of teaching can be found by reviewing the teaching standards in PI 34.02. This requirement also applies to all school district programs, including those provided as a “program or curriculum modification.” If a student is not taught by a Wisconsin-licensed teacher(s), the student may not be counted for state general aid and revenue limit purposes.

Finally, the department has received questions related to whether public school districts may make payments to parents in lieu of, or in addition to, providing a free, public education. Under our authority to provide supervision of schools as described in Wis. Stat. s. 115.28 (1) and (3), we have determined that such payments are not permitted and consequently, preclude a district from counting students in such situations for general aid and revenue limit purposes.

Under state law, all methods of district paid tuition are described in s. 121.78, Wis. Stats. Tuition payments to parents are not permitted under this statutory section. In addition, an unspecified payment to a parent could raise accountability issues as to how district funds that are supported by state aid and local taxpayers have been spent. Without the ability to audit the expenditure and the related educational purpose, there is no transparency or accountability to the residents of the district or the taxpayers.

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Further, the department does not believe there is a legitimate educational reason or need to cause a district to make a direct payment to a parent of a student enrolled in the district other than what is expressly permitted by law (e.g., s. 121.55, Wis. Stats., related to pupil transportation). If a child requires a particular course of study, it is the school board's obligation to provide it and ensure that it meets the educational standards required of all public education curriculum. All school boards must ensure that academic standards, as well as the 20 standards found in s. 121.02, Wis. Stats., and Wis. Administrative Code PI 8, are being fulfilled by the educational program being provided to all students.

In light of the questions the department has received regarding these non-traditional education approaches and to ensure we can provide guidance to districts on the ability to count students for state general aid and revenue limit purposes, the department will be surveying districts related to this issue later this year.

Should you have any immediate questions related to school finance, please contact David Carlson, School Financial Services Team Director, by telephone at (608) 266-6968 or by e-mail at david.carlson@dpi.wi.gov. If you have questions related to teacher licensure, please contact Judy Peppard, Teacher Education, Professional Development and Licensing Team Director, by telephone at (608) 266-0986 or by e-mail at judy.peppard@dpi.wi.gov.

I hope this information is helpful to you.

Sincerely,

Brian Pahnke
Assistant State Superintendent
Division for Finance and Management

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